HDP/SB/21 based on PTO/SB/21 (08-00)

<u>ul</u>			Appli	ication Number	10/696	6,739	
្នុំ TRANSMITTAL FORM			Filing	g Date	Octob	er 28, 2003	
<i></i>	FORM		First	Named Invent r	Rex M	liller et al.	
(to be used for all co	rrespondence after i	initial filing)	Grou	p Art Unit	Unkno	own	
			Exam	niner Name	Unkno		
Total Number of Page	s in This Submission	n	Attorr	ney Docket Numbe	er 0275N		
		ENCL (S (check all that appl			
			ment Pa			er Allowance Communication	
Fee Transmittal F	⁻ orm		Applicatio		_	oup	
Fee Attached	I	☐ Drawing	g(s)			oeal Communication to Board peals and Interferences	
Amendment / Res	sponse	Licensi	ng-relat	ed Papers		peal Communication to Group peal Notice, Brief, Reply Brief)	
After Final		Petition	1		Pro	prietary Information	
Affidavits/dec	laration(s)			vert to a plication	Sta	Status Letter	
Extension of Time	Extension of Time Request		Power of Attorney, Revocation Change of Correspondence Address Terminal Disclaimer			her Enclosure(s) ease identify below):	
						Form HDP-1449; 8 foreign	
Express Abandor	ment Request	Request for Refund CD, Number of CD(s)			references; return postcar		
Information Disclo	osure Statement						
Certified Copy of					ner is hereby	s hereby authorized to charge any	
Document(s)	,	Remar	Remarks additional fees that n		nat may be re unt No. 08-07	may be required under 37 CFR 1.16 o No. 08-0750. A duplicate copy of this	
Response to Miss				_ = ===================================	 -	·	
Response to							
Parts under 3 1,52 or 1,53	37 CFR						
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Firm	31014	OILL OF F		CANT, ATTORNEY ttorney Name	, on AGEN	Reg. No.	
<i>or</i> Individual name	Harness, Dickey 8	Pierce, P.L.C		hristopher A. Eusebi		44,672	
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Signature	$\left(\begin{array}{c} c \end{array}\right)$	<u>~ </u>	V		···		
Date	January 14, 2004		`				
		ERTIFICAT	E OF	MAILING/TRANS	MISSION		
I hereby certify that th	nis correspondence i	s being depos	demark	Office, P.O. Box 14	Postal Service 450, Alexand	as express mail in an enveloria, VA 22313-1450, or face	
addressed to: Direct	3. Patent and Trader	nark Office or	the dat	te indicated below			
addressed to: Directransmitted to the U.S. Typed or printed name	S. Patent and Trader	nark Office or	the da	te indicated below.	Express Mail Label No.	EV 406 075 780 US (1/14	

PATENT

Application No.:

10/696,739

Filing Date:

October 28, 2003

Applicant:

Rex Miller et al.

Group Art Unit:

Unknown

Examiner:

Unknown

Title:

FASTENER FOR SPANNING A LARGE GAP

Attorney Docket:

0275M-000650

Director of the United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. <u>LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION</u>

The patents, publications and other information requested to be considered by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. <u>COPIES</u>

A. Submitted herewith is a legible copy of (i) each U.S. patent application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cited pending U.S. application, the application specification including the claims, and any drawing of the application which caused it to be listed including the claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.

B. Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were

previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

U.S. Filing Date

	C. Because the present application was/is being filed after June 30, 2003, no copies of the U.S. patents or U.S. patent application publications which are listed on the attached Form 1449 are enclosed pursuant to the waiver of 37 C.F.R. § 1.98(a)(2)(i). Any foreign patent documents or non-patent literature listed on the attached Form 1449 are enclosed herewith.
	D. This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search Report are listed on the attached Form 1449 for consideration by the Examiner and for listing on any patent resulting from this application. Since the International Search report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g).)
III.	CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)
	A. Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).
	B. A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):
	1. See the attached foreign patent office communication from a counterpart foreign application:
	2. English translations are provided:
	3. ☑ Other: English language abstracts are provided for the following patents: DE3728219 DE4417397 EP1060826
	C. The following additional information is provided for the Examiner's consideration.

IV.	CROSS REFERENCE TO RELATED APPLICATION(S)
	A. The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does (do) not waive the confidentiality provisions of 35 U.S.C. § 122.
	Serial No. Filing Date Art Unit
٧.	THIS IDS IS BEING FILED UNDER
	A.
	1. Mithin three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.
	2. within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.
	3. Defore the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required.
	4. Defore the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.
	B.
	before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.
	1. No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).
	2. See the certification below. No fee is required.
	C. 37 C.F.R. § 1.97(d):

after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee. 1. See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p). VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box) The undersigned hereby certifies that: A. Leach item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)). See further statement under 37 C.F.R. 1.704(d) below in section VII. if applicable; or B. \(\subseteq \text{no item of information contained in this IDS was cited in a communication} \) from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)). C. some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS. VII. STATEMENT UNDER 37 C.F.R. 1.704(d) The undersigned hereby states that: leach item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this IDS.

VI. PAYMENT OF FEES (check only one box)

A. A check in the amount of \$180.00 is enclosed for the above identified fee.

B. Please charge Deposit Account No. 08-0750 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 08-0750.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 08-0750.

Harness, Dickey & Pierce, P.L.C. P.O. Box 828

Bloomfield Hills, Michigan 48303

(248) 641-1600

CAE/kq

Respectfully submitted,

Christopher A. Eusebi

Reg. No. 44,672

PATENT AND TRADEMARK OFFICE NEGRIFICATION

(Use several sheets if necessary)

Sheet 1 of 5

TRADEM

ATTORNEY DOCKET No.	SERIAL NO.
0275M-000650	10/696,739
APPLICANT	
Rex Miller et al.	
FILING DATE	GROUP
October 28, 2003	Unknown

U.S. F	U.S. PATENT DOCUMENTS					
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
1.		2003/0202856	10/30/2003	Nilsen et al.		
2.		2002/0182027	12/05/2002	Gauron		
3.		Re. 33,766	12/10/1991	Duffy et al.		
4.		Re. 36,681	05/02/2000	Rindeer		
5.		2,144,350	01/17/1939	Swanstrom		
6.		2,144,553	01/17/1939	Simmonds		
7.		2,167,285	07/25/1939	Smith		
8.		2,237,595	04/08/1941	Dyer		
9.		2,299,158	10/20/1942	Luce		
10.		2,333,386	11/02/1943	Murphy		
11.		2,384,729	09/11/1945	Darby		
12.		2,421,201	05/27/1947	Hallock		
13.		2,421,278	05/27/1947	Luce		
14.		2,429,833	10/28/1947	Luce		
15.		2,469,311	05/03/1949	Poupitch		
16.		2,575,594	11/20/1951	Reiner		-
17.		2,705,991	04/12/1955	Reiner		
18.		2,707,507	05/03/1955	Tripp et al.		
19.		2,825,380	03/04/1958	Reiner		
20.		2,879,820	03/31/1959	Trzcinski		
21.		2,909,206	10/20/1959	Johnson		

Examiner:	Date Considered:

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PATENT AND TRADEMARK OFFICE ORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Sheet 2 of 5

ATTORNEY DOCKET No.	SERIAL NO.
0275M-000650	10/696,739
APPLICANT	
Rex Miller et al.	
FILING DATE	GROUP
October 28, 2003	Unknown

U.S. P	ATENT DO	CUMENTS		*******		
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
22.		2,936,806	05/17/1960	Harper		
23.		2,968,329	01/17/1961	Reiner		
24.		3,140,738	07/14/1964	Johnson		
25.		3,189,076	06/15/1965	Adams		
26.		3,219,086	11/23/1965	Zahodiakin		
27.		3,259,164	07/05/1966	Hernadi		
28.		3,259,165	07/05/1966	Tobian et al.		
29.		3,322,177	05/30/1967	Phelan		
30.		3,363,084	01/09/1968	Busing		
31.		3,446,261	05/27/1969	Dey		
32.		3,671,710	06/20/1972	Coombs		
33.		3,695,324	10/03/1972	Gulistan		
34.		3,877,342	04/15/1975	Duchatellier		
35.		4,015,650	04/05/1977	Anderson		
36.		4,193,435	03/18/1980	Charles et al.		
37.		4,377,359	03/22/1983	Peterson		
38.		4,462,710	07/31/1984	Leitner		
39.		4,652,468	03/24/1987	Gould et al.		
40.		4,701,348	10/20/1987	Neville		
41.		4,762,451	09/09/1988	Collins		

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PATENT AND TRADEMARK OFFICE ORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Sheet 3 of 5

ATTORNEY DOCKET No.	SERIAL NO.
0275M-000650	10/696,739
APPLICANT	
Rex Miller et al.	
FILING DATE	GROUP
October 28, 2003	Unknown

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
42.		4,798,507	01/17/1989	Olah		
43.		4,828,440	05/09/1989	Anderson et al.		
44.		4,830,557	05/16/1989	Harris et al.		
45.		4,835,819	06/06/1989	Duffy et al.		
46.		4,856,954	08/15/1989	Peterson		
47.		4,875,816	10/24/1989	Peterson		
48.		4,875,817	10/24/1989	Suzumura et al.		
49.		4,911,591	03/27/1990	Oaks		
50.		4,984,319	01/15/1991	Reynolds		
51.		5,022,804	06/11/1991	Peterson		
52.		5,096,349	03/17/1992	Landy et al.		
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54.		5,137,406	08/11/1992	Cosenza		
55.		5,146,668	09/15/1992	Gulistan		
56.		5,193,643	03/16/1993	McIntyre		
57.	_	5,221,170	06/22/1993	Duffy et al.		
58. 		5,405,228	04/11/1995	Reid et al.		
59.		5,423,646	06/13/1995	Gagnon		
60.		5,542,158	08/06/1996	Gronau et al.		
61.		5,605,353	02/25/1997	Moss et al.		

Examiner:	Date Considered:	

PATENT AND TRADEMARK OFFICE CORMATION DISCLOSURE CITATION (Use several sheets if necessary)

Sheet 4 of 5

ATTORNEY DOOUTE NO	C== No		
ATTORNEY DOCKET NO.	SERIAL NO.		
0275M-000650 10/696,739			
APPLICANT			
Rex Miller et al.			
FILING DATE	GROUP		
October 28, 2003	Unknown		

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
62.		5,624,319	04/29/1997	Golczyk et al.		
63.		5,630,686	05/20/1997	Billmann		
64.		5,655,865	08/12/1997	Plank et al.		
65.		5,679,160	10/21/1997	Wallace et al.		
66.		5,750,190	05/12/1998	Woodhall et al.	·	
67.		5,918,727	07/06/1999	Wallace et al.		
68.		5,928,711	07/27/1999	Wallace et al.		
69.		5,961,264	10/05/1999	Postadan		
70.		6,027,568	02/22/2000	Wallace et al.		
71.		6,109,849	08/29/2000	Nagayama		
72.		6,141,837	11/07/2000	Wisniewski		
73.		6,146,071	11/14/2000	Norkus et al.		
74.		6,183,180	02/06/2001	Copple et al.		
75.		6,287,064	09/11/2001	Jhumra et al.		
76.		6,302,628	10/16/2001	Berecz et al.		
77.		6,357,980	03/19/2002	Lansinger		
78.		6,433,278	08/13/2002	Blank et al.		
79.		6,450,747	09/17/2002	Fischer		
80.		6,575,680	06/10/2003	Herb et al.		
81.		6,637,994	10/28/2003	Leistner		

Examiner:	Date Considered:

PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Sheet 5 of 5

ATTORNEY DOCKET No.	SERIAL NO.	
0275M-000650	10/696,739	
APPLICANT		
Rex Miller et al.		
FILING DATE	GROUP	
October 28, 2003	Unknown	

FOREIGN PATENT DOCUMENTS							
Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes	n No
1.		DE7411490	06/27/1974	Germany			Х
2.		DE7907821	07/26/1979	Germany			Х
3.		DE3728219	03/09/1989	Germany		Abstract	
4.		DE4417397	11/23/1995	Germany		Abstract	
5.		DE29518398	03/07/1996	Germany			Х
6.		EP1060826	12/20/2000	EPO		Abstract	
7.		EP1116890	07/18/2001	EPO		N/A	
8.		GB2041138	09/03/1980	Great Britain		N/A	

Examiner:	Date Considered: